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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,127	04/09/2001	Stefano Faccin	017.38447PX2	5967
20457	7590	09/22/2005	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873			CHO, UN C	
			ART UNIT	PAPER NUMBER
			2687	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/828,127

Applicant(s)

FACCIN ET AL.

Examiner

Un C. Cho

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-11 and 13-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/6/2005 has been entered.

### ***Claim Objections***

2. Claim 6 is objected to because of the following informalities:

Regarding claim 6, line 2 of the claim recites, "... the transport layer comprises a core network" it should be "...the transport layer comprises a core network." Instead.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1, 2, 6, 13, 14, 18, 21 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Widegren et al. (US 6,374,112 B1) in view of Gallagher et al. (US 6,834,186 B1).

Regarding claim 1, Widegren discloses transmitting a request for a communication channel setup from a user equipment to a first network element in a first network (MS requesting multimedia call set up via the core network service nodes) and wherein the communication channel carries content of the communication session, and analyzing parameters included in the multimedia call set up message transmitted by MS prior to allocating resources, Fig. 5, Widegren, Col. 11, line 52 through Col. 12, line 32.

However, Widegren as applied above does not specifically disclose transmitting a request for a communication channel setup from a user equipment to a first network element in said transport layer of the wireless communication network; and wherein the request contains an indication to the first network element that radio resource allocation is to be prevented for the communication channel in the transport layer before the communication session in the application layer has been successfully established. In an analogous art, Gallagher discloses transmitting a request for a communication channel setup from a user equipment to a first network element in said transport layer of the wireless communication network (Gallagher, Col. 5, lines 26 – 56); and wherein the request contains an indication to the first network element that radio resource allocation is to be prevented for the communication channel in the transport layer

before the communication session in the application layer has been successfully established (Gallagher, Col. 5, line 57 through Col. 6, line 50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Gallagher to the system of Widegren in order to provide a more efficient way of provisioning features to a wireless handset as the handset is handed off from node to node.

Regarding claim 2, Widegren in view of Gallagher as applied above discloses forwarding the indication to a second network element in the radio access network and in response to receiving the indication, the second network element refrains from allocating radio resources for the communication channel (RNC detects a radio access bearer service request from a service node and makes the determination regarding channel allocation, Widegren, Col. 12, lines 33 – 45).

Regarding claim 6, Widegren in view of Gallagher as applied above discloses a core network as one of network the elements of the telecommunication network (Widegren, Col. 5, lines 29 – 55).

Regarding claim 13, Widegren in view of Gallagher as applied above discloses the request (call setup) contains a flag (types of parameters) which indicates to the first network element that radio allocation is to be prevented for the communication channel before a communication session has been established (network element will analyze the parameters prior to allocating a channel to the requestor, Widegren, Col. 11, lines 52 through Col. 12, line 11).

Regarding claim 14, the claim is interpreted and rejected for the same reason as set forth in claim 13.

Regarding claim 18, the claim is interpreted and rejected for the same reason as set forth in claim 13.

Regarding claim 21, the claim is interpreted and rejected for the same reason as set forth in claim 13.

Regarding claim 29, the claim is interpreted and rejected for the same reason as set forth in claim 1.

5. Claims 3, 5 – 11, 15, 17 – 20, 22 – 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Widegren in view of Gallagher as applied to claim 2 above, and further in view of Barany et al. (US 2001/0043577 A1).

Regarding claim 3, Widegren in view of Gallagher as applied above discloses setting up the communication channel for the user equipment by the means of the first network element without radio resources; and allocating radio resources for the communication channel when the communication session has been successfully established (Widegren, Col. 11, line 52 through Col. 12, line 32).

However, Widegren in view of Gallagher as applied above does not specifically disclose setting up a communication session between the user equipment and a third network element in the application layer of the wireless network. In an analogous art, Barany discloses a call control signal

communicated through the access network is forwarded by the GGSN to the CSCF module (Barany, Fig. 3 330, GGSN, and 310, CSCF, Page 7, Paragraph 0128, line 1 through Paragraph 0129, line 13). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Barany to the modified system of Widegren and Gallagher in order to provide enabling voice and other forms of real-time or streaming communications over packet-switched wireless networks.

Regarding claim 5, Widegren in view of Gallagher and further in view of Barany as applied above discloses that radio resources are not allocated before the communication session has been successfully established (Widegren, Col. 11, lines 52 through Col. 12, line 11).

However, Widegren in view of Gallagher and further in view of Barany as applied above discloses a step of indicating to a fourth network element in the transport layer of the wireless network (a call control signal is communicated through the access network and forwarded to the GGSN, Barany, Fig. 3, Page 7, Paragraph 0128, line 1 through Paragraph 0129, line 13).

Regarding claim 6, Widegren in view of Gallagher and further in view of Barany as applied above discloses a core network (Widegren, Fig. 1, 16, Col. 5, lines 29 – 55).

Regarding claim 7, Widegren in view of Gallagher and further in view of Barany as applied above discloses an IMS network (Barany, Fig. 3, 304, Page 5, Paragraph 0111, lines 1 – 9).

Regarding claim 8, Widegren in view of Gallagher and further in view of Barany as applied above discloses wherein the first network element is a SGSN (Barany, Fig. 3, 328, Page 7, Paragraph 0128, line 1 through Paragraph 0129, line 13).

Regarding claim 9, Widegren in view of Gallagher and further in view of Barany as applied above discloses RNC as one of the network elements of the radio network system (Widegren, Col. 5, lines 29 – 55).

Regarding claim 10, Widegren in view of Gallagher and further in view of Barany as applied above discloses wherein the third network element is a CSCF (Barany, Fig. 3, 310, Page 5, Paragraph 0122, lines 1 – 10).

Regarding claim 11, Widegren in view of Gallagher and further in view of Barany as applied above discloses wherein the fourth network element is a GGSN (Barany, Fig. 3, 330, Page 7, Paragraph 0128, line 1 through Paragraph 0129, line 13).

Regarding claim 15, Widegren in view of Gallagher and further in view of Barany as applied above discloses wherein the indication contains a flag which indicates to the first network element that radio allocation is to be prevented for the communication channel before a communication session has been established (call setup contains types of parameters which is an indication of what the user wants, then the network element will analyze the parameters prior to allocating a channel to the requestor, Widegren, Col. 11, lines 52 through Col. 12, line 11).



Regarding claim 17, the claim is interpreted and rejected for the same reason as set forth in claim 15.

Regarding claim 18, the claim is interpreted and rejected for the same reason as set forth in claim 15.

Regarding claim 19, the claim is interpreted and rejected for the same reason as set forth in claim 15.

Regarding claim 20, the claim is interpreted and rejected for the same reason as set forth in claim 15.

Regarding claim 22, the claim is interpreted and rejected for the same reason as set forth in claim 15.

Regarding claim 23, the claim is interpreted and rejected for the same reason as set forth in claim 15.

Regarding claim 24, Widegren in view of Gallagher and further in view of Barany as applied above discloses a user equipment in a wireless communications network comprising: a transmitter module that transmits a request for a communication channel setup to a first network element in said transport layer of the wireless communication network (Widegren, MS, Fig. 1, 30 is a mobile station which communicates with a base station by ways of a radio interface that transmits a request for a communication channel setup, Col.5, lines, 29 – 55); and wherein, the communications channel carries content of a communications session, and wherein the request contains an indication to the first network element that radio resource allocation is to be prevented for the

communication channel in the transport layer before the communication session in the application layer has been successfully established (Widegren, Col. 11, lines 52 through Col. 12, line 11).

Regarding claim 25, Widegren in view of Gallagher and further in view of Barany as applied above discloses a network device in a wireless communications network comprising: a receiver module, that receives an indication that radio resource allocation is to be prevented for a communication channel in the transport layer before a communication session in the application layer has been successfully established (Widegren, Fig. 1, 28 BS has a receiver module to communicate with MS by way of a radio interface); and a transmitter module that transmits the indication to a second network element (BS communicates with the RNC, Fig. 1, 26) (Widegren, Col.5, lines, 29 – 55).

Regarding claim 26, Widegren in view of Gallagher and further in view of Barany as applied above discloses a network device in a wireless communications network comprising: a receiver module, wherein the receiver module receives an indication from a second network device that network resource allocation is to be prevented for a communication channel in the transport layer before a communication session in the application layer has been successfully established (signaling among network elements, Barany, Page 7, Paragraph 0128, line 1 through Paragraph 0129, line 13); and wherein the network refrains from allocating radio resources for the communication channel

in response to receiving the indication (Widegren, Col. 11, lines 52 through Col. 12, line 11).

Regarding claim 27, the claim is interpreted and rejected for the same reason as set forth in claim 26.

Regarding claim 28, Widegren in view of Gallagher and further in view of Barany as applied above discloses a system for setting up a communication session in a wireless communications network comprising: a user equipment, wherein the user equipment transmits a request for a communication channel setup (Widegren, MS, Fig. 1, 30 is a mobile station which communicates with a base station by ways of a radio interface that transmits a request for a communication channel setup, Col.5, lines, 29 – 55), wherein the request contains an indication that radio resource allocation is to be prevented for the communication channel in the transport layer before the communication session has been successfully established (Widegren, Col. 11, lines 52 through Col. 12, line 11); a first network element that receives the indication from the user equipment, and forward the indication to at least one other network device in the system; a second network element that receives the indication in the radio access network from the first network element; and a third network, wherein a fourth network element receives the indication from the user equipment, wherein the third network element restricts traffic on the communications channel until the communication session has been successfully established (signaling among

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network elements, Barany, Page 7, Paragraph 0128, line 1 through Paragraph 0129, line 13 and Widegren, Col. 11, lines 52 through Col. 12, line 11).

Regarding claim 30, the claim is interpreted and rejected for the same reason as set forth in claim 25.

Regarding claim 31, the claim is interpreted and rejected for the same reason as set forth in claim 26.

Regarding claim 32, the claim is interpreted and rejected for the same reason as set forth in claim 27.

Regarding claim 33, the claim is interpreted and rejected for the same reason as set forth in claim 28.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1 – 33 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C. Cho whose telephone number is (571) 272-7919. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Un C Cho  
Examiner  
Art Unit 2687

9/16/05  ic



**LESTER G. KINCAID**  
**SUPERVISORY PRIMARY EXAMINER**